

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


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| IN RE: | : | 21-CV-6296 (JMF) |
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| IBM ARBITRATION AGREEMENT LITIGATION | : | <u>MEMORANDUM OPINION</u> |
| | : | <u>AND ORDER</u> |
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JESSE M. FURMAN, United States District Judge:

On December 4, 2021, Plaintiffs in these consolidated cases filed a letter motion seeking entry of an order staying arbitration proceedings to which they are not parties. *See* ECF No. 64.¹ Plaintiffs, however, do not have standing to seek such relief. *See, e.g., Merrill Lynch, Pierce, Fenner & Smith Inc. v. Jordan*, No. 17-CV-199 (RGA), 2017 WL 1536396, at *3 (D. Del. Apr. 27, 2017) (holding that the plaintiffs did “not have standing to seek injunctive relief” with respect to a pending arbitration because they were not parties to the arbitration); *Kakawi Yachting, Inc. v. Marlow Marine Sales, Inc.*, 215 F. Supp. 3d 1259, 1264 (M.D. Fla. 2014) (holding that the plaintiff “lack[ed] standing” to enjoin an arbitration to which it was not a party); *Embarq Retiree Med. Plan. v. Berolzheimer*, No. 08-CV-4045 (WTH), 2009 WL 112790, at *2 (N.D. Ill. Jan. 14, 2009) (“Since [plaintiffs] are not parties to the arbitration and no relief is requested from them, they do not have standing to enjoin the arbitration.”). Accordingly, the motion is denied as meritless. The Clerk of Court is directed to terminate ECF No. 64.

SO ORDERED.

Dated: December 14, 2021
New York, New York



JESSE M. FURMAN
United States District Judge

¹ Plaintiffs’ letter motion seeks to stay “the cases in arbitration for which [they] have requested stays.” ECF No. 64, at 3. Defendant represents, *see* ECF No. 71, at 2 n.1, and Plaintiffs do not dispute, *see* ECF No. 73, that there is only one Plaintiff in these cases who has a pending arbitration, and he has not requested a stay of that arbitration. Thus, the relief Plaintiffs seek is only with respect to other parties.